

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JIMMIE LIVINGSTON, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 2:24-cv-00138-JAW
)	
STATE OF MAINE, et al.,)	
)	
Defendants.)	

ORDER ON RECOMMENDED DECISION

On April 23, 2024, Jimmie Livingston, Jr. filed a complaint against the state of Maine and the United States Government, alleging that the state and federal governments had violated the Constitution of the state of Maine. *Compl.* at 1-4 (ECF No. 1). In response to a question about the amount in controversy, Mr. Livingston alleged:

150 million false imprison using a perversion of bible that caused my slavery here. failure to protect property.

Id. at 5. In describing the nature of his claim, Mr. Livingston wrote:

State of Maine has violated my religion by: failure to pay daily wages to live. No other God besides mine (Micha 4). Electronic interference unidentified aircraft intimidation over me.

Id. When asked to describe his damages, Mr. Livingston stated:

\$7,000 for loss of marked mini & van due to ethnic sabotage. Relocated out of U.S. from all forms of Domestic Terrorists.

Id. at 6.

On April 24, 2024, after granting Mr. Livingston in forma pauperis status, the Magistrate Judge screened his complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and

recommended that this Court dismiss it because it “does not pass muster.” *Recommended Decision After Prelim. Review* at 2 (ECF No. 5) (*Recommended Decision*). First, the Magistrate Judge observed that the United States is immune from state constitutional claims. *Id.* Next, the Magistrate Judge described the claims as being “hopelessly vague” and wrote that they have “all the hallmarks of being factually frivolous.” *Id.*

On April 25, 2024, Mr. Livingston filed two documents: 1) an Amended Complaint, and 2) a copy of the Dred Scott decision. *Am. Compl. to make change & incorporate into the original Compl.* (ECF No. 6) (*Am. Compl.*); *Doc. for filing* (ECF No. 7). The Court is unclear whether Mr. Livingston meant these new filings as objections to the Magistrate Judge’s recommended decision or simply an amended complaint with an attachment. It does not matter. Either way Mr. Livingston’s lawsuit must be dismissed.

In his new filings, Mr. Livingston clarifies that his claims run against the state of Maine and the United States Government for violating the United States and Maine Constitutions. Contrary to the Magistrate Judge’s conclusion, Mr. Livingston simply asserts—without authority—that the United States Government is “not exempt from this case & matter.” *Am. Compl.* at 1.

Regarding Mr. Livingston’s claim that the United States Government violated the Maine state Constitution, the Magistrate Judge, not Mr. Livingston, is correct. There is no indication that the United States waived sovereign immunity for this claim. *See Recommended Decision* at 2. Regarding Mr. Livingston’s claim that the

state of Maine violated its own Constitution, this is not a federal question. *Id.* To the extent that Mr. Livingston is asserting that the United States Government and the state of Maine violated the United States Constitution, the Court agrees with the Magistrate Judge that these claims are “hopelessly vague” and that they have “all the hallmarks of being factually frivolous.” *Id.* at 2.

The Court does not know what to make of Mr. Livingston’s reference to the notorious case of *Dred Scott v. Sandford*, 60 U.S. 393 (1857). Recently described as the United States Supreme Court’s “most deplorable holding,” *Brnovich v. Democratic Nat’l Comm.*, 141 S. Ct. 2321, 2352 (2021) (Kagan, J., dissenting), *Dred Scott*, a moral and legal abomination, was repudiated when Congress passed the Civil Rights Act of 1866. *See United States v. Vaello-Madero*, 596 U.S. 159, 507 (2022) (Thomas, J., concurring). *Dred Scott* never had a moral foundation and since 1866 has not had a legal one. To the extent Mr. Livingston is relying on *Dred Scott* to make his case, the Court emphatically rejects his argument.

As noted earlier, the Court is not quite sure whether this new filing is an objection to the Magistrate Judge’s recommended decision or an amended complaint. Under either rubric, the Court DISMISSES Jimmie Livingston, Jr.’s Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 26th day of April, 2024